

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

395 LAMPE, LLC, a Nevada limited  
liability company,

Plaintiff/  
Counterclaim Defendant

v.

KAWISH, LLC, a Washington limited  
liability company; and TIMOTHY L.  
BLIXSETH and JANE DOE BLIXSETH,  
husband and wife,

Defendants/  
Counterclaim Plaintiffs/  
Third-Party Plaintiffs,

v.

WAYNE L. PRIM, an individual residing  
in Nevada; THE BLACKSTONE  
CORPORATION, a Washington  
corporation; PRIM 1988 REVOCABLE  
TRUST, a private trust; and OVERLOOK  
PARTNERS, LLC, a Washington limited  
liability company,

Third-Party Defendants.

Case No. 2:12-cv-01503-RAJ

MOTION FOR LEAVE TO  
WITHDRAW AND SUBSTITUTE  
COUNSEL

**NOTE ON MOTION CALENDAR:  
December 14, 2012**

MOTION FOR LEAVE TO WITHDRAW  
AND SUBSTITUTE COUNSEL  
PAGE -1

Case No. 2:12-cv-01503-RAJ

 **WITHERSPOON•KELLEY**  
Attorneys & Counselors

422 W. Riverside Avenue, Suite 1100 Phone: 509.624.5265  
Spokane, Washington 99201-0300 Fax: 509.458.2728

1 Witherspoon Kelly moves the Court, pursuant to Local Rule GR 2(g)(2), for leave  
2 to withdraw as counsel of record for Plaintiff 395 Lampe, LLC ("395 Lampe").

3 On October 25, 2012, Witherspoon Kelley informed Mark Gunderson and Austin  
4 Sweet, Nevada counsel for 395 Lampe, of its intent to seek leave of court to withdraw as  
5 counsel of record. Declaration of Jody M. McCormick (the "McCormick Decl.") ¶ 5.  
6

7 Under Washington's Rules of Professional Conduct ("RPC"), an attorney may  
8 withdraw from representation of a client for any reason if "withdrawal can be  
9 accomplished without material adverse effect on the interests of the client[.]" RPC  
10 1.16(b)(1). Under this Court's Local Rule GR 2(g)(4)(A), moreover, counsel "will  
11 ordinarily be permitted to withdraw until sixty days before the discovery cut off date in a  
12 civil case." This rule thus reflects a presumption of no prejudice when withdrawal is more  
13 than 60 days before the discovery cutoff. Here, no discovery cutoff nor trial dates have  
14 been set.  
15

16 Witherspoon Kelley's withdrawal will have no adverse impact on 395 Lampe.  
17 Other counsel, Alan D. Smith and Brian A. Jennings of Perkins Coie LLP, have  
18 previously appeared as additional counsel on behalf of 395 Lampe and have agreed to be  
19 substituted as counsel for 395 Lampe. McCormick Decl. ¶¶ 4, 5. In addition, Mark  
20 Gunderson and Austin Sweet, of the Gunderson Law Firm of Reno, Nevada, lead  
21 litigation counsel for 395 Lampe and its affiliates in various jurisdictions involving  
22 Kawish, LLC and affiliates of Timothy L. Blixseth, have been admitted *pro hac vice* in  
23 this matter as counsel for 395 Lampe.  
24  
25  
26



1 The interests of 395 Lampe have been and will continue to be represented by able  
2 counsel. Accordingly, there will be no prejudice as a result of Witherspoon Kelley's  
3 withdrawal, and Witherspoon Kelley's motion for leave to withdraw should be granted.

4  
5 **1. FORMER COUNSEL:**

6 Jody M. McCormick, WSBA #26351  
7 Witherspoon Kelley  
8 422 W. Riverside Ave., Suite 1100  
9 Spokane, WA 99201-0300

10 **2. SUBSTITUTED COUNSEL:**

11 Alan D. Smith, WSBA #24964  
12 Brian A. Jennings, WSB #32509  
13 Perkins Coie LLP  
14 1201 Third Avenue, Suite 4900  
15 Seattle, WA 98101-3099

16 Submitted this 26<sup>th</sup> day of November, 2012.

17 **WITHERSPOON • KELLEY**

18 s/Jody M. McCormick

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22 Telephone: (509) 624-5265  
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24 *Attorneys for 395 Lampe, LLC*



**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of November, 2012,

1. I caused to be electronically filed the foregoing MOTION FOR LEAVE TO WITHDRAW AND SUBSTITUTE COUNSEL with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **All CM/ECF participants.**
2. I hereby certify that I have mailed by United States Postal Service the foregoing to the following non-CM/ECF participants at the address listed below: **None.**
3. I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **None.**
4. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **None.**

s/ Jody M. McCormick  
Jody M. McCormick, WSBA No. 26351  
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